ciently well informed of the law of the office, that here, as in Virginia (*z*) a patent gave title, at most, no further than to low water mark; (*a*) and that no land, covered by any navigable tide-water, could be made the subject of a patent from the Land Office of Maryland. (*b*) Upon a more careful consideration of the whole subject, however, it has been finally settled, that the bed of any of the navigable waters of the state may be granted, and will pass if distinctly comprehended by the terms of an ordinary patent, issuing from the Land Office; subject only to the then existing public uses of navigation, fishery, &c.; which cannot be hindered or impaired by the patentee, or those claiming under him. (*c*)

(*z*) Mead *v.* Haynes, 3 Rand. 36.—(*a*) 2 Hen. Virg. Stat. 456; 1 Hazard's State Papers, 488.—(*b*) Land Ho. Assis. 148; Lord Proprietary *v.* Jenings, 1 H. & McH. 95; Smith *v.* The State, 2 H. & McH. 251.

RITCHIE *v.* SAMPLE.—10*th July*, 1816.—KILTY, *Chancellor*.—This *caveat* came on to be heard in the presence of the parties and by counsel for the defendant. It appears to be a case of considerable importance in its principles, and it would have been desirable to have heard counsel on the caveator's side also, so that the propriety of granting a patent, in such a case, might have been more fully examined.

I am, however, of opinion, that the defendant is not entitled to a patent, as the certificate stands, it being in express terms, for a tract or parcel of the *Susquehanna River*, comprehending a number of small islands. And the land covered by the water cannot be called grantable land; though possibly islands may have been taken up together, between which the water sometimes flows. It cannot be certainly known what effect a grant of the ten and a quarter acres would have on the river and the fisheries. And it is to be observed also, that, under a patent, the defendant would not be put to a suit to obtain possession, as there would be no person to bring suit against.

The attempt by Ritchie to take up the same land is not conclusive against him, as to the right; because he might have been caveated also; neither is his want of interest, if he has none, an objection, as it is a question involving the propriety of a grant, and the interest of the public. But the defendant may, on application, have an order to caveat his certificate.

FOWLER *v.* GOODWIN.—19*th May*, 1809.—KILTY, *Chancellor*.—The Chancellor in his decision and order in this case, (1 *Bland*, 327,) noticed the grounds on which they had been supported and opposed in the argument before him.

The surveys which were afterwards made at the instance of the *caveator*, were laid before him on the submission, without any explanation or further argument. And he perceived nothing in them to alter the main principle on which he decided.

It has since been suggested by the *caveator*, that a large part of the survey, number one, lies in the water of Bell's Cove, as appears by the plot and explanations, and the deposition of Charles Stewart. Whereupon, patents were directed to be issued in the other cases only—meaning number one.

The defendant, if he is desirous of obtaining a patent on that survey, will have to apply in writing for an order of correction for the purpose of excluding the part so lying in the water, or for such other order as he may think necessary. And any order for correction, or any other purpose that may be wanted by the *caveator*, must likewise be applied for in writing.

(*c*) Browne *v.* Kennedy, 5 H. & J. 195; 13 Niles' Reg. 225; 1833, ch. 254. s. 7.